

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Marko Schuba	\$	Group Art Unit:	2431
Application No:	10/530,829	\$	Examiner:	Doan, Trano T.
Filed:	11/30/2005	\$	Confirmation No:	2475
Attorney Docket No:	P17307-US1	\$		
Customer No.:	27045	\$		

For: Method And Approach For Linking Devices Within A Communication System

Mail Stop Appeal Brief - Patents
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Date: November 15, 2010

Name: Pamela C. Shultz

Signature: /Pamela C. Shultz/

Dear Examiner:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Issues regarding the Pre-Appeal Brief Request are as follows:

PENDING REJECTIONS

Claims 1-3, 5-12, and 14-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Falk, *et al.* (U.S. Patent No. 5,668,876). Applicant respectfully traverses these rejections.

ARGUMENTS

In order to anticipate a claim, a reference must teach each and every element of a claim, with the elements arranged as required by the claim. M.P.E.P. ch. 2131. Applicant respectfully submits that the Examiner has not met

the burden of proving prima facie anticipation. Specifically, Applicant submits that, under the Examiner's proposed mapping of claim elements, the Examiner has not shown the requisite burden of proof regarding disclosure of each and every claim element, arranged as required by the claim.

Falk is directed to a personal unit that can be used to authenticate a user's identity through a variety of terminals associated with a variety of electronic services. *Falk*, col. 2, lines 3-5. The Examiner argues that Falk teaches a "first institution" (Falk's authentication center), "second institution" (one of Falk's service nodes 26), "first device" (Falk's personal unit/terminal), "second device" (a different one of Falk's service nodes 26), "first characteristic" (Falk's telephone number), "second characteristic" (Falk's algorithms), "first linking information" (Falk's received response code), "second linking information" (Falk's expected response code), and "server" (Falk's software programs residing inside the authentication center). Without conceding the accuracy of this mapping of claim elements, Applicant respectfully contends that, under the Examiner's proposed mapping of claim elements, the Examiner has not shown disclosure of each and every claim limitation.

For instance, Falk teaches one authentication center that may be used to perform an authentication procedure for access to more than one service node. See, e.g., *Falk*, col. 3, lines 25-34. However, there is no disclosure of both the authentication center sending first linking information and a first characteristic that relates to an access legitimization legitimating the first device for accessing the authentication center. Therefore, even under the Examiner's proposed mapping of claim elements, the Examiner has failed to show how Falk discloses the limitation "sending from the server the first linking information to the first device and the second linking information to the second device, where the first device is a trusted device and the first characteristic relates to an access legitimization legitimating the first device for accessing a first institution."

Additionally, Falk teaches that a user may try to access electronic services as part of service node 26. (See Fig. 1; col. 3, lines 15-18; "The service node 26 may be any form of electronic service, such as banking or financial services,

credit card services, long distance telephone services, information services, etc. The type of service provided is not germane to the present invention.”) The Examiner reads one of these service nodes 26 of Falk on “the second device” of Applicant’s claims, and another one of these service nodes 26 on the “second institution” of Applicant’s claims. However, Falk fails to disclose “sending from the server . . . second linking information to a [service node]” or “presenting . . . by the [service node] the second linking information,” as required by Claim 1.

For at least the foregoing reasons, Applicant respectfully submits that, under the Examiner’s proposed mapping of claim elements, the Examiner has still not shown disclosure of each and every claim element within Falk. As such, the Examiner’s burden of proof with respect to anticipation has not been met.

In view of the above arguments, Applicant submits that independent claims 1, 10, and 18 are patentable over the Falk reference. Claims 2, 3, 5-9, 11, 12, 14-17, 19, and 20 are patentable at least by virtue of depending from their respective base claim. Applicant respectfully requests allowance of the present claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Panel withdraw all rejections and issue a Notice of Allowance for all pending claims.

Respectfully submitted,

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